



## PLANNING AND BUILDING SERVICES MEMORANDUM

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**TO:** MAYOR J. LEHMAN AND MEMBERS OF COUNCIL

**FROM:** C. KITSEMETRY, RPP, PLANNER

**NOTED:** A. BOURRIE, RPP, DIRECTOR OF PLANNING AND BUILDING SERVICES  
D. FRIARY, ACTING GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT  
M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

**RE:** PROPOSED ZONING BY-LAW AMENDMENT (FILE NO. D14-1651)  
46, 50, 52 AND 56 PATTERSON ROAD AND PART LOT 30, PLAN 959, PART 1  
PLAN 51R-39651 (WARD 6) FARRAGE DEVELOPMENTS

**DATE:** JUNE 25, 2018

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The purpose of this Memorandum is to provide members of Council with an update concerning the status of a Zoning By-law Amendment application submitted by Innovative Planning Solutions Inc. on behalf of Farrage Developments for lands known municipally as 46, 50, 52 & 56 Patterson Road and Part Lot 30, Plan 959, Part 1 Plan 51R-39651. Given recent changes to the *Planning Act* and the *Local Planning Appeals Tribunal (LPAT) Act*, legislation known as Bill 139, Planning staff feel it is necessary to ensure that the information contained in this memorandum forms part of the official record prior to a formal recommendation report being presented to General Committee for this application.

According to Section 34 of the *Planning Act*, municipalities are required to make a decision on a Zoning By-law amendment application within 150 days of deeming an application complete. If a decision is not made within the 150 day timeframe, an applicant may appeal the application to the LPAT based on non-decision. In this case, the review period associated with the subject application expires on August 26, 2018. Given the ongoing discussions and additional information requirements to be submitted in support of this application, as well as the Council recess during the months of July and August, there will not be an opportunity for the City to make a decision on the subject application until after that date.

The applicant has submitted a letter to the City (Appendix C) acknowledging that the application will not be considered by General Committee on or before August 26, 2018, and confirming that there is no intention to appeal to LPAT based on non-decision for at least 190 days from the date of complete application given the collaborative effort with staff. The 190 day timeframe provides the opportunity for the municipality to render a decision on the project until October 4, 2018.

Notwithstanding the voluntary letter agreeing to an extended review timeframe, the Planning Justification Report (PJR) submitted by the applicant's consultant is the only Planning justification forming part of the official record associated with the subject application. To protect the City's interests, this memorandum will form part of the official record. It is intended to provide basic details surrounding the key planning issues that remain under discussion and/or require additional information for staff to complete their analysis and provide an informed recommendation to General Committee on this application.

### **Application Details**

The subject application was received and deemed to be complete by the City on March 28, 2018. The application was circulated to all applicable City departments and external agencies for review and comment. Planning staff have been working collaboratively with the applicant, their consultants and our technical review team through the review process.



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The subject lands are designated as Residential in the City's Official Plan. The individual properties are intended to be consolidated into one development parcel of 0.74 hectares (1.82 acres) in size, generally located at the southwest corner of Patterson Road and Phillip Street. (See Appendix A: Site Location Map)

The proposed zoning change is from Residential Single Detached (R2) to Residential Multiple (RM2) to permit a 48 unit block cluster townhouse development with Special Provisions to allow for:

- reduced front and rear yard setbacks from 7m to 5m;
- reduced consolidated amenity space from 12m<sup>2</sup> per unit to 9.5m<sup>2</sup> per unit;
- increased gross floor area from 60% to 80.8%;
- increased density from 40 units per hectare to 65 units per hectare; and,
- tandem parking spaces.

The Concept Plan for the redevelopment of these lands is attached as Appendix B.

### **Public Consultation**

A neighborhood meeting was held on May 9, 2018. Approximately 15 members of the public were in attendance. Comments and concerns raised by the residents for this redevelopment proposal included:

- proposed height and loss of privacy;
- proposed increase in density;
- submission of a comprehensive neighbourhood plan;
- potential issues with grading, drainage and high water table;
- potential issues with both residential and industrial traffic;
- noise impacts due to loss of tree buffer;
- capacity of neighbourhood schools;
- location of snow storage and fencing requirements;
- concern with permissions for tandem parking; and,
- reduction in property values.

A Public Meeting was held on May 28, 2018. General Committee was provided written correspondence from an adjacent resident outlining their concerns. A verbal presentation was also given to General Committee raising concerns with this development proposal which was forwarded to General Committee via email. The concerns raised at the Public Meeting are generally mirrored in the list above, however all comments and correspondence will be reviewed in detail to ensure compilation of a complete and accurate account of the public process.

Staff have had preliminary discussions with the applicant, and it is anticipated additional discussions will be held to coordinate a review of each of the issues raised by the public, and ultimately determine a strategy for addressing the concerns of the local community. The applicant may be required to submit additional information or updates to the application as part of this process.

### **Planning and Land Use Matters Under Review**

Highlighted below are the key planning issues that remain under discussion and/or require additional information for staff to complete their analysis and provide an informed recommendation to General Committee on this application. These issues include, but are not limited to:

- Community impacts, including the introduction of higher density built-form into the existing neighbourhood, and the integration of this concept with potential redevelopment opportunities in this area.



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The applicant will be required to provide a Block Plan to demonstrate the effective use of the lands, in a redevelopment scenario, for the area surrounding the subject property consolidation. This Plan will be reviewed in accordance with general intent of the City's Official Plan intensification objectives and locational criteria for intensification projects, as well as the specific attributes of this neighbourhood.

- Proximity of the residential redevelopment to existing industrial uses.

Through the review process, it was identified that the information submitted in support of this application did not satisfactorily address the integration of this redevelopment project into an area with existing active industrial land uses. For staff to complete their analysis of this project, the applicant is required to submit a noise study with a briefing of the Ministry of the Environment and Climate Change D6 Guidelines for Compatibility Between Industrial Facilities and Sensitive Land Uses.

- Analysis of the project as intensification, the proposed built-form, general site design, and justification for the requested site specific zoning provisions.

A working session with the applicant and Planning staff will be initiated to examine the type of built form proposed relative to the increase in density requested for this site. The justification for each of the site specific zoning provisions will be analyzed in detail to determine the merit of alteration to the zoning standards if the principle of development on this site were to be approved. It is anticipated that additional justification and a potential update to the submission will be required as part of this review to support the increase in density, reduced setbacks, reduced amenity space and the tandem parking permission to achieve the required parking for the development.

- Opportunity and requirement for boundary and mature tree preservation.

A Tree Inventory and Preservation Plan Report was submitted in support of this application, however comments from Parks Planning staff indicate that more options for the preservation and protection of boundary trees and tree cover on this site should be explored. It is anticipated that an update to this report will be required as part of this review to ensure that the requested variations to zoning standards, if approved, do not impact this element of detailed design.

### **Next Steps:**

Staff will continue to work with both the applicant and the residents in an attempt to address the issues raised through the public process, as well as the City analysis of this proposal. Addressing these items may require an amendment to the plans and as indicated above, and/or additional information being submitted by the applicant. A staff report to General Committee that will include, but not be limited to, analysis of the planning and land use matters and the comments received through the public consultation process, has been targeted for September 2018 to render a decision prior to the agreed upon date of October 4, 2018.

If you have any questions, please contact the Planning file manager, Celeste Kitsemetry ([celeste.kitsemetry@barrie.ca](mailto:celeste.kitsemetry@barrie.ca)) at 705-739-4220 extension 4430.

Appendix A: Site Location Map

Appendix B: Proposed Concept Plan

Appendix C: Letter from Applicant (LPAT Non-Decision Appeal)



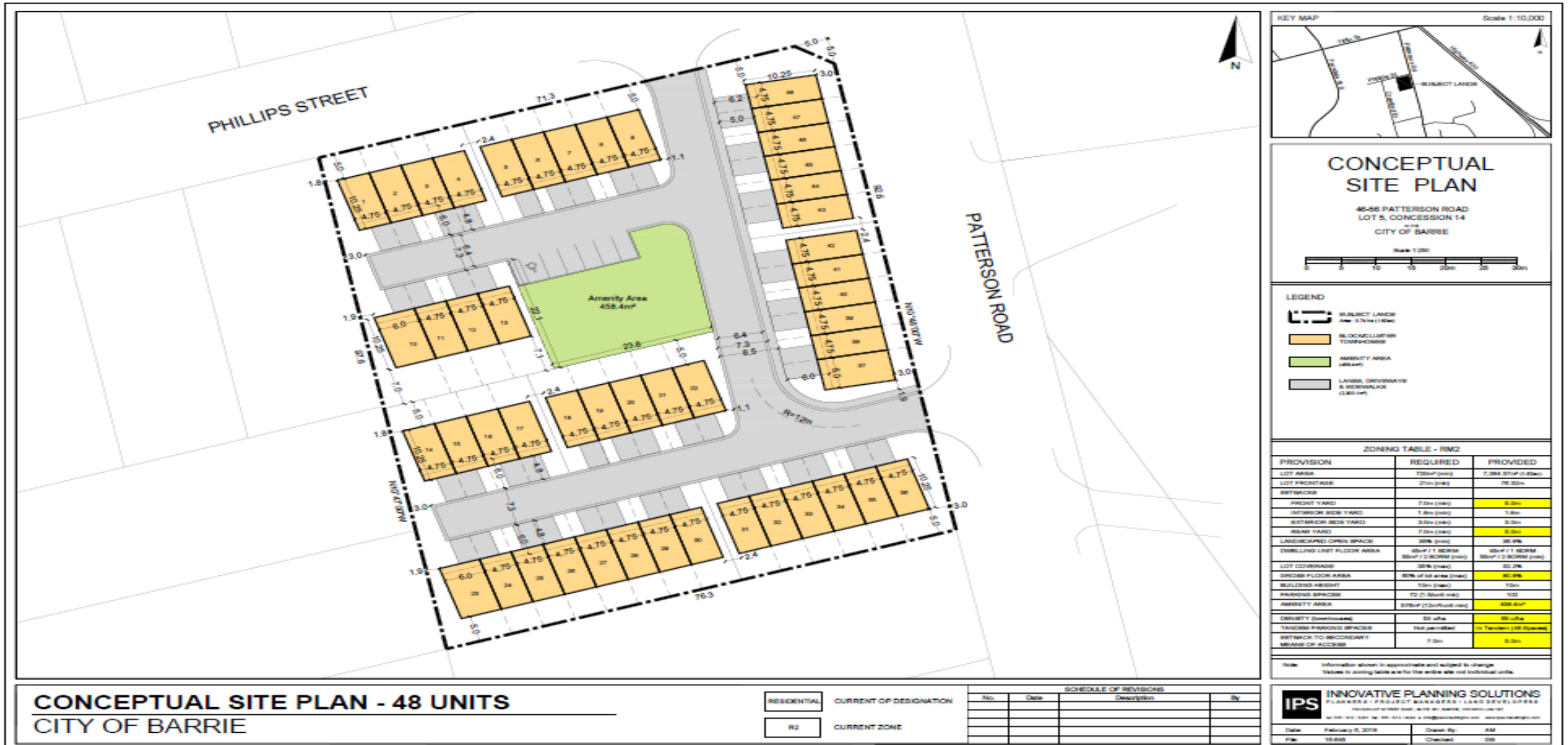
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### Appendix 'A'

#### Site Location Map



Appendix 'B'  
Proposed Concept Plan





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### Appendix 'C'

#### Letter from the Applicant



### INNOVATIVE PLANNING SOLUTIONS

planners • project managers • land development

Wednesday May 16<sup>th</sup>, 2018

City of Barrie  
70 Collier Street  
Barrie, Ontario  
L4M 4T5

Attention: Celeste Kitsemetry -RPP  
Planner

Re: Application for Zoning By-Law Amendment (D14-1651)  
Farrage Developments Inc., 46, 50, 52 & 56 Patterson Road and Part Lot 30,  
Plan 959, Part 1 Plan 51R39651, City of Barrie

On behalf of Farrage Developments Inc, Innovative Planning Solutions is please to provide the following correspondence with respect to the above noted file relative to a proposed Zoning Bylaw amendment application. It is noted that the subject application was deemed complete by the City of Barrie as of March 28, 2018.

Under new Planning Act legislation, specifically the Local Planning Tribunal Act, 2017 which took effect on April 3, 2018, municipalities are required to make a decision on proposed Zoning Bylaw Amendment applications within 150 days of a complete application; in this instance, a decision is required by August 26<sup>th</sup>, 2018, otherwise the applicant has the right to appeal a "non-decision".

Understanding this timeline and in consideration of a number of factors including ongoing discussions with the City to resolve issues identified at the neighbourhood meeting (held May 9<sup>th</sup> 2018), any future comments provided at the upcoming public meeting on May 28<sup>th</sup>, 2018 and Council's pending summer recess, we appreciate that this timeline cannot be accomplished as there is limited opportunity for a Staff Report to be presented to General Committee/ Council for a decision prior to the 150 day timeframe expiring.

As a result, we hereby advise and agree that we (Innovative Planning Solutions and/or Farrage Developments Inc) will not appeal a non-decision of the proposed Zoning bylaw Amendment application, File D14-1651, for a period of 190 days from the date the application was deemed complete. This will provide the opportunity to resolve matters identified at the neighbourhood meeting and any additional considerations following the public meeting (May 28<sup>th</sup>, 2018) prior to a Staff Report being presented to General Committee for consideration. Based on the 190 day timeframe, a decision is required on or before October 4<sup>th</sup>, 2018. Should a decision not be rendered by such date, the applicant will retain their right to appeal a non-decision.

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It is noted that this letter is not intended to suggest or intimate that an appeal of a non-decision is pending or being considered at this time. The intent of this letter is to provide an extended timeframe for a decision to be rendered in light of new Planning Act timeframes, the pending Council summer recess and the limited opportunity for a Staff report to be presented to General Committee and Council for a decision on the application within 150 days of the date the application was deemed complete.

Trusting this is satisfactory; please do not hesitate to contact the undersigned with any questions or concerns.

Respectfully submitted,

**INNOVATIVE PLANNING SOLUTIONS**

A handwritten signature in black ink, appearing to read "Greg Barker".

Greg Barker, B.A.A.  
Senior Planner

**FARRAGE DEVELOPMENTS INC.**

A handwritten signature in black ink, appearing to read "Edmund Farrage".

MAY 17TH 2018

Edmund Farrage